IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Second Appeal No. 310/2007
Nathu Mokha Mundale ..vs.. Mokha Dhadu Mundale & 3 ors.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM :- R. V. MORE, J.
DATE :- 31st OCTOBER, 2007

Heard Mr. R. Ahmad, learned counsel for the appellant.

The appellant, who is original plaintiff, who is the son of respondent No. 1, filed the suit for declaration and permanent injunction against the respondents. Declaration was sought to the effect that the sale deed executed by respondent No. 1-father in favour of respondent No. 2 is void and illegal.

There is no dispute that the partition was effected between the appellant and respondent No. 1, on 24.05.1993 and respondent No. 1 was given land of Gat No. 10/3 area 19 R. This property went to the share of respondent No. 1 in

partition and, thereafter, the same was sold by him in favour of respondent No. 2. This transaction of sale deed was challenged by appellant by filing the aforesaid suit. The Courts below came to the conclusion and in my view rightly that the appellant-plaintiff cannot claim any right in the property went to the share of the father-respondent No. 1. No substantial question of law is pointed out in the present second appeal. The appeal is, therefore, dismissed with no order as to costs.

JUDGE **JUDGE**

kahale